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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARYAdvanced by Facsimile

May 20, 1994

Mr. Jonathan Levy
Federal Communications Commission
Office of Plans & Policy
1919 M Street, N.W.
Washington DC 20554

Dear Mr. Levy:

I have recently reviewed the Further Notice of Inquiry Reply Comments submitted to the Commission by the Association of Independent Television Station, Inc. I write to express on behalf of the Pacific-10 Conference, several points in response to those Comments. They are as follows:

INTV argues that the output of televised college football has been reduced as a result of contracts such as those the Pac-10 has entered into with ABC and Prime Ticket Network. In my earlier comments submitted on April 6, 1994, I indicated that, at least as far as the Pac-10 is concerned, that is not so. The appearances of Pac-10 teams on television have increased dramatically over the last ten years. While I cannot speak for all of the other major football conferences, I believe that most, if not all, have experienced a similar increase in television exposure.

History supports this analysis. Prior to the NCAA decision, only two or three games were shown each week in any given area. Today, it is not uncommon for seven, eight or even nine games to be shown per week.¹

In addition, INTV's own papers reveal that the college football television market (assuming there is such a "market") is competitive and dynamic. As INTV admits, each of the traditional networks has televised college football over the past ten years. Moreover, the alignments between the networks and the conferences have changed repeatedly as a direct result of aggressive pursuit of rights by the competing cable and television companies. The presence of national and regional cable companies, as well as the superstation WTBS, adds to the competitive environment. It is not unlikely that the Fox

¹ I note that even the market study on which INTV relies reveals an overall increase in televised college football from 1984 to 1993. The Pac-10 recently submitted to the Commission the papers filed in support of its summary judgment motion in Pappas v. Prime Ticket, et al. In its reply memorandum at pages 8-9, footnote 9, the Pac-10 discussed several serious flaws in that market study's methodology. Nonetheless, even taken at face value, the market study reveals no decrease in overall output over the last ten years. The Pac-10's summary judgment papers also discuss in detail why the overall competitive effects of television contracts such as the Pac-10's, and not just the effect on "local" telecasters, should be considered.

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network will soon enter the fray. Again, the result of this highly competitive market has been a dramatic overall increase in the number of college football games televised each week.

The structure of the market continues to change. In 1996, for the first time, all three of the traditional networks will televise college football. Besides confirming the competitiveness of the market, this fact also demonstrates the fallacy of INTV's claim that independent stations are excluded from televising college football. Nearly two hundred independent television stations across the country are affiliates of each of these three networks, and may elect each week of the season to televise college football, among many other things, through that relationship. The Fox network also has some 140 affiliates.

Parenthetically, it has been reported attempts are underway to form a fifth and a sixth national network. One probable reason for such formations is to pool the buying power of unaffiliated stations. That--rather than an appeal for Federal intervention--seems the best market oriented approach to obtaining college football programming on the part of these stations.

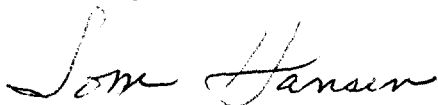
In addition, I believe that at least three major conferences, the Southeast, Southwest and Atlantic Coast Conferences, contract with syndicators, which sell television rights to their teams' home games to a variety of broadcast stations. The Big East Conference syndicates telecasts of the home games of its members itself.

Finally, if an independent station that wishes to cannot avail itself of any of the many arrangements discussed above, or if it wishes to serve a strong fan interest in the local team, it almost always is free to broadcast games on a delayed basis. Doing so makes it relatively easy to avoid any contractual exclusivity provisions altogether. This practice is quite common; all of the Pac-10's members have agreements with local television stations or cable systems to televise their home games on a delayed (and occasionally on a live) basis.

In sum, I do not believe that television contracts entered into by the Pac-10 and other conferences have had an adverse impact on the "market" for college football television. Indeed, I believe the opposite is true. These contracts have increased the number of games shown, and have conferred a corresponding benefit on the conferences and their university members. In addition, in my view, INTV has exaggerated the effect of these contracts on independent television stations. It seems to me that there are very few such stations that would be unable to participate in the market through one or more of the methods discussed above, if they wish to do so.

I have enclosed nine copies of this letter, and would very much appreciate it if you would provide the copies to the Commissioners. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Tom Hansen". The signature is written in dark ink and is positioned above the printed name.

Thomas C. Hansen

TCH:tlh